IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

LA.App..No. 591 of 2001()

LAR.362/1997 of PRL.SUB COURT, KOZHIKODE

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APPELLANT/RESPONDENT:

STATE OF KERALA.

BY GOVERNMENT PLEADER SHRI BASANT BALAJI

RESPONDENTS/CLAIMANTS:

(*)1. MAMMILI PURAYIL MOTHI, RAMSI MANZIL, P.O.KOMMERI, VALAYANAD VILLAGE, KOZHIKODE. (DIED. LRS IMPLEADED AS ADDL R2 TO R8)

ADDL.R2 TO R8:

2. MARIAKUTTY, AGED 80 YEARS, W/O.LATE MOTHI

3. M.T.ALI, AGED 60 YEARS, S/O.LATE MOTHI

4. M.T.AYSHA, AGED 58 YEARS, D/O.LATE MOTHI

5. M.T.CHEKKU, AGED 56 YEARS, S/O.LATE MOTHI

6. M.T.MOHAMMEDKUTTY, AGED 54 YEARS, S/O.LATE MOTHI

7. M.T.KUNJAMMA, AGED 52 YEARS D/O.LATE MOTHI

8. M.T.THAIMA, AGED 50 YEARS, D/O.LATE MOTHI

ALL ARE RESIDING AT RASSI MANZIL, POST KUMMERI, VALAYANAD VILLAGE, KOZHIKODE.

(*)ADDL.R2 TO R8 IMPLEADED AS LEGAL HEIRS OF DECEASED SOLE RESPONDENT AS PER ORDER DATED 12.10.2004 IN IA NO.3316/2004.

ADDL.R2 TO R8 BY ADV. SMT.T.KAMALA MENON

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 11/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR ,J.

L.A.A.No.591 of 2001

Dated, this the 11th day of October, 2007

JUDGMENT

This appeal is filed by the State challenging a judgment and decree passed by the Subordinate Judge's Court, Kozhikode in L.A.R.No.362/1997. Learned Principal Sub Judge has awarded enhanced compensation based on Ext.A1 judgment rendered by the same court in L.A.R.Nos.321/1997 and 512/1997. State had filed L.A.A.No.1172/2000 and 1144/2000 challenging the judgments and decrees passed by the Principal Sub Judge in L.A.R.Nos.321/1997 and 512/1997 respectively. Both the appeals were dismissed on 17.9.2007 by a Division Bench of this Court. In view of the dismissal of the appeals filed against Ext.A1 judgment, there is no scope for any interference in this appeal. No merit in the appeal. It is liable to be dismissed.

In the result, appeal is dismissed.

I.A.No.3137/2001 will stand dismissed.

K. PADMANABHAN NAIR,
JUDGE.

Appeal is posted for 'to be spoken to' today. According to the appellant trial court has not granted statutory benefits and interest on the solatium awarded.

Decree provides for interest on the enhanced compensation. It goes without saying that enhancement includes land value, solatium and other statutory benefits, if any. So there is no denial of any interest.

17th October, 2007.

K.PADMANABHAN NAIR,
JUDGE.

K.PADMANABHAN NAIR, J.

L.A.A.No.591 of 2001

JUDGMENT

11th October, 2007.